

## REMARKS

This Response clarifies the status of originally issued claims 1-35 and new claims 36-101.

Claims 1-21 and 33-35 were the subject of an interference proceeding. Applicants disclaimed claims 1-21 and 33-35 based upon prior art discovered by Applicants during the interference proceeding.

Remaining claims 22-32 were not the subject of the interference proceeding. Applicants have made no amendments to these claims.

The Examiner has suggested that the original patent 5,684,289 has expired due to failure to pay maintenance fees. US Patent Office records show that a fee payment of \$2300 was made by the assignee of original patent 5,684,289 for payment year eight.

The Examiner has also rejected claims 22-32 and 36-101 under the 35 USC 251 as improper recapture. Applicants respectfully traverse this rejection. The Recapture Doctrine prohibits obtaining through reissue claims to subject matter intentionally surrendered during prosecution through amendment and/or argument. The file history shows that Applicant made no arguments or

amendments during prosecution of original patent 5,684,289  
(Application Serial No. 08/550,150), except for an amendment  
requested by the Examiner to correct an antecedent basis problem  
with claim 11. Therefore, the Recapture Doctrine does not apply  
and the rejection is improper.

Respectfully submitted,

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